



Working Together For Clean Air

January 2, 2001

Ashgrove Cement Company
c/o Gerald J. Brown, Manager Safety and Environmental
3801 East Marginal Way South
Seattle, WA 98134

Re: Ashgrove Cement Company
Notice and Order of Civil Penalty No. 9095

EXECUTIVE DIRECTOR

Dennis J. McLerran

BOARD OF DIRECTORS

CITY OF SEATTLE, BOARD CHAIR

Margaret Pageler

KING COUNTY EXECUTIVE

Ron Sims

KITSAP COUNTY

Charlotte Garrido, Commissioner

PIERCE COUNTY EXECUTIVE

Doug Sutherland

SNOHOMISH COUNTY COUNCIL

Dave Somers

EVERETT

Edward D. Hansen, Mayor

BREMERTON

Lynn S. Horton, Mayor

TACOMA

Bill Evans, Councilman

MEMBER AT LARGE

Janet Chalupnik

Dear Mr. Brown:

As previously discussed with our Agency, a meeting is no longer required for the Consent Order and Assurance of Discontinuance on the above-referenced civil penalty. We now consider you to be in compliance with the terms of the Consent Order.

Thank you for your action to ensure compliance with Agency regulations and in joining with this Agency in efforts to achieve cleaner air.

Sincerely,

Neal J. Shulman
Manager - Inspection

NJS:ml

cc: Laurie Halvorson, Agency Counsel
Accounting
Mario Miller, Senior Inspector
Elizabeth Gilpin, Inspector
Melissa McAfee, Inspector
Fred Austin, Engineer
Rosemary Busterna, Compliance System Planner

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001217



110 Union Street, Suite 500
Seattle, Washington 98101

Working Together For Clean Air

November 28, 2000

RECEIVED
ACCOUNTS PAYABLE

Ashgrove Cement Company
c/o Gerald J. Brown, Manager Safety and Environmental NOV 29 2000
3801 East Marginal Way South
Seattle, WA 98134

AGCW - SEATTLE

Re: Ashgrove Cement Company
Notice and Order of Civil Penalty No. 9095

Dear Mr. Brown:

This Agency wishes to acknowledge and thank you for the Consent Order and Assurance of Discontinuance that was signed November 1, 2000. A conformed copy is enclosed for your records.

Thank you for your action to ensure compliance with Agency regulations and in joining with this Agency in efforts to achieve cleaner air.

Sincerely,

Neal J. Shulman
Manager - Inspection

NJS:ml

Enclosure

cc: Laurie Halvorson, Agency Counsel
Accounting
Rosemary Busterna, Compliance System Analyst
Fred Austin, Engineer
Mario Miller, Senior Inspector
Elizabeth Gilpin, Inspector
Valerie Diggs, Administrative Assistant

EXECUTIVE DIRECTOR

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TACOMA

Brian Ebersole, Mayor

MEMBER AT LARGE

Janet Chalupnik

Ph 206.343.8800

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AGCS2M001218

ASH GROVE CEMENT COMPANY

VS

PUGET SOUND CLEAN AIR AGENCY

CIVIL PENALTY NO. 9095

CONSENT ORDER AND
ASSURANCE OF
DISCONTINUANCE

Puget Sound Clean Air Agency (agency) issued and served Notice and Order of Civil Penalty No. 9095 dated the 20th day of October 2000 in the amount of \$2,000.00 to Ash Grove Cement Company. This penalty assessment was based upon violations of the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b) in the following particulars:

On or about March 19, 20, 25, and 28, 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, Ash Grove Cement Company caused or allowed NOx emissions in excess of 501 ppm corrected to 10% O2 for a 24-hour average in violation of Condition No. 5(b).

Pursuant to RCW 70.94.435, Ash Grove Cement Company does hereby agree to an assurance of discontinuance from violation of the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b).

Ash Grove Cement Co. further agrees to schedule a meeting with the agency within 30 days of the date of this Order. The purpose of the meeting shall be to discuss solutions to current and future NOx emissions problems. Ash Grove Cement Company shall contact Valerie Diggs at the agency at (206) 689-4048 to schedule the meeting.

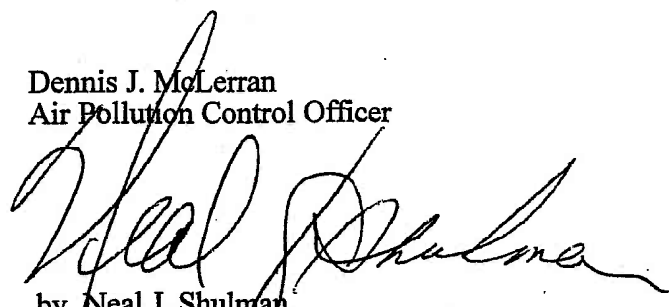
The agency accepts this assurance of discontinuance and does hereby suspend the entire \$2,000.00 of Civil Penalty No. 9095 if Ash Grove Cement Company complies with the above condition. If Ash Grove Cement Company does not comply with the above condition, the suspended amount of \$2,000.00 is immediately due and payable.

Failure to perform the terms of this order by Ash Grove Cement Company shall constitute grounds for the agency to seek injunctive or other relief from Superior Court.

Dated this 1 day of November 2000.

Dennis J. McLerran
Air Pollution Control Officer


Ash Grove Cement Company


by Neal J. Shulman
Manager - Inspection

ASH GROVE CEMENT COMPANY

VS

PUGET SOUND CLEAN AIR AGENCY

CIVIL PENALTY NO. 9095

CONSENT ORDER AND
ASSURANCE OF
DISCONTINUANCE

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Pursuant to RCW 70.94.435, Ash Grove Cement Company does hereby agree to an assurance of discontinuance from violation of the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b).

Ash Grove Cement Co. further agrees to schedule a meeting with the agency within 30 days of the date of this Order. The purpose of the meeting shall be to discuss solutions to current and future NOx emissions problems. Ash Grove Cement Company shall contact Valerie Diggs at the agency at (206) 689-4048 to schedule the meeting.

The agency accepts this assurance of discontinuance and does hereby suspend the entire \$2,000.00 of Civil Penalty No. 9095 if Ash Grove Cement Company complies with the above condition. If Ash Grove Cement Company does not comply with the above condition, the suspended amount of \$2,000.00 is immediately due and payable.

Failure to perform the terms of this order by Ash Grove Cement Company shall constitute grounds for the agency to seek injunctive or other relief from Superior Court.

Dated this 1 day of November 2000.

Dennis J. McLerran
Air Pollution Control Officer


Ash Grove Cement Company

by Neal J. Shulman
Manager - Inspection

Date: 10/31/00 1:18 PM
Sender: Bob Vantuyl
To: Gerald Brown
cc: Fran Streitman
Priority: Normal
Subject: PSCAA AOD proposal

I talked to Fran about the AOD proposal from PSCAA. We are both in agreement that scheduling a meeting is the way to go. Please proceed with obtaining some potential meeting dates for everyone involved and notify us with potential dates for scheduling attendance.

PUGET SOUND CLEAN AIR AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134

NO. 9095

**NOTICE AND ORDER
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36734, a copy of which has been previously provided to you or your agent, you have violated the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b), of the Puget Sound Clean Air Agency in the following particulars:

On or about March 19, 20, 25, and 28, 2000, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed NOx emissions in excess of 501 ppm corrected to 10% O2 for a 24-hour average in violation of Condition No. 5(b).

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred on or about March 19, 20, 25, and 28, 2000, wherein you caused or allowed NOx emissions in excess of 501 ppm corrected to 10% O2 for a 24-hour average, in violation of the Order of Approval for Notice of Construction No. 7381, Condition No. 5(b), of the Puget Sound Clean Air Agency, a penalty is assessed against you in the amount of two thousand dollars (\$2,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 20th day of October 2000.

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

Certified Mail No. 7099 3220 0005 4517 1544

Working Together For Clean Air

*Rec'd
10/23/00*

October 20, 2000

Certified Mail No. 7099 3220 0005 4517 1544

Ash Grove Cement Company
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, WA 98134

EXECUTIVE DIRECTOR
Dennis J. McLerran

BOARD OF DIRECTORS
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Lynn S. Horton, Mayor

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MEMBER AT LARGE
Janet Chalupnik

Re: **Ash Grove Cement Company - Civil Penalty # 9095**
Consent Order/Assurance of Discontinuance

Enclosed is a Civil Penalty in the amount of \$2,000.00 for Notice of Violation No. 36734. This Notice of Violation was issued for causing or allowing excess NOx emissions from the main stack.

We propose to settle this penalty by the terms set out in the enclosed **CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE**. We agree to suspend \$2,000.00 of the penalty if you comply with the terms of the Consent Order. This includes meeting with us to discuss NOx emissions.

If this **CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE** is acceptable to you, please sign and return the Order to us within thirty (30) days. If you would like to discuss this offer or propose a different settlement, please call me at (206) 689-4078.

Sincerely,



Neal J. Shulman
Manager - Inspection

kes
Enclosures

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

www.pscleanair.org

AGCS2M001223



Seattle Plant

facsimile

TRANSMITTAL

to: Bob Vantuyt

Fax: OPK

re: Procedure

date: Friday October 13, 2000

Number of pages: Including cover 13

Just received a new penalty for March, 2000 NOx exceedances. PSCAA offers an AOD to settle. The AOD simply asks us to agree to schedule a meeting within 30 days to discuss solutions. This seems fair to me but I will run it by Matt. Your thoughts????.

#9095 follows:

From the desk of ...

Gerald J. Brown, CSP
Manager Safety and Environmental
Ash Grove Cement Company
3801 E. Marginal Way So.
Seattle, WA 98134

(206) 694-6221
fax: (206) 623-5355

ASH GROVE CEMENT COMPANY



"WESTERN REGION"

November 1, 2000

Mr. Neal Shulman
Manager - Inspection
Puget Sound Clean Air Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Civil Penalty No. 9095

Dear Neal:

Please find enclosed the signed AOD proposed in your October 20, 2000 letter.

Thank you.

Yours truly,

Gerald J. Brown
Manager Safety and Environmental



Working Together For Clean Air

November 15, 2000

Gerald J. Brown
Ash Grove Cement Co.
3801 E. Marginal Way S.
Seattle, Washington 98134

EXECUTIVE DIRECTOR

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Janet Chalupnik

Dear Mr. Brown:

Office Conference – Civil Penalty No. 9095

A meeting to discuss the above referenced Civil Penalty, has been scheduled at our office (110 Union Street, Suite 500, in Seattle, Washington) at 2:00 p.m. on Thursday, December 7, 2000.

If you wish us to consider any additional information regarding this matter, please submit it allowing us time for adequate review.

If this time and date is not acceptable to you, please contact me at (206) 689-4056 or Valerie Diggs at (206) 689-4048, and a mutually agreeable time and date will be arranged.

Sincerely,

Melissa McAfee
Air Pollution Inspector II

MM:VJD

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7622

www.pscleanair.org

AGCS2M001226